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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,663	04/05/2000	Roland Lamer	15-IS-5288(70191/235)	7305

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EXAMINER	
FRENEL, VANEL	

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/543,663	LAMER ET AL.	
	Examiner	Art Unit	
	Vanel Frenel	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8,10,11 and 22-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8, 10-11 and 22-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 10/20/04. Claims 1-3, 5-8, 10-11, 22-27 and 28-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5-8, 10-11 and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al (6,260,021) in view of Brown (US 2003/0229514), for the same reasons given in the prior Office Action (mailed 7/29/04), and incorporated herein.

(A) Claims 1-3, 5-8, 10-11 and 22-31 have NOT been amended, and are therefore rejected for the same reasons given in the prior Office Action, and incorporated herein.

Response to Arguments

5. Applicant's arguments filed on 10/20/05 with respect to claims 1-3, 5-8, 10-11, 22-27 and 28-31 have been fully considered but they are not persuasive.

Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 10/20/05.

(A) At pages 2-7 of the 10/20/05 response, Applicant argues the followings:

a) Wong does not teach or suggest converting a first user interface of a first component or application and a second user interface of a second component or application into a uniform user interface and utilizing the uniform user interface such that patient data of a functionality code segment of the first and second components are formatted with the same look and feel.

b) Brown is not related to the medical imaging field and thus is not analogous prior art to the field of the retrieval, display and analysis of medical imaging displays.

c) Neither Wong nor Brown, either alone or in combination, teach or suggest a first user interface of a first component and a second user interface of a second component into a uniform user interface such that patient data of the functionality code segment are formatted with the same look and feel.

B) With respect to Applicant's first argument, Examiner respectfully submits that "RIS data and PACS data to be different data types that are processed by separate

components and codes. Wong teaches that "In that manner, the GUI appropriate for the particular user, the particular workstation, and the particular image data can be made available at any user access equipment" (See Wong; Col.9, lines 12-14) where all GUI components are dynamically downloaded, the workstation equipment can be a "thin client" with minimal attached resources, perhaps only a Java virtual machine (See Wong, Col.9, lines 22-25). This is a form of "uniform user interface". Furthermore, Wong states the entire GUI can be present on the workstation and coded in another object – oriented language, such as C++" which also correspond to a form of "uniform user interface", whereby all data has the same look and feel on a single workstation (See Wong, Col.9, lines 11-30). Therefore, Applicant argument is not persuasive.

(C) In response to Applicant's second argument that is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the Applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Applicants states this invention is directed to data management system to integrate two data systems (See Col.2 lines 6-8 of the Specification). The primary reference Wong is directed to a method and system by which a user can uniformly and rapidly access medical image data without regard to the boundaries of existing PAC, RI, or other health-care systems of Wong Abstract; Abstract. The secondary reference, Brown, is drawn to a system which utilizes a biometric information and processes the data

together with that from another separate information system. As such, it is noted that Applicant's invention and both references generally relate to integrating data from two medical data systems.

In addition, Applicant's states that the problem to be solved is that of integrating image data and patient textual data in a single workstation at page 4, lines 1-3 of the Specification. This is similar to what problem Wong seeks to solve at Col.2, line 65 to Col.3, line 3.

Also, Brown is directed to solving the problem of integrating data obtained via a biometrics sensor with that data from a separate information system such that information identifying the individual may be used by either or both the server system and remotely programmable apparatus for security, customization and other purposes (See Abstract; Fig.10; Page 8). Note figure 10 depicts both image data and text data on a single display.

(D) With respect to Applicant's third argument, Examiner respectfully submits "One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the

references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Therefore, Applicant argument is not persuasive.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches medical diagnostic report forming apparatus capable of attaching image data on report (5,581,460) and image data management system particularly for use in a hospital (5,586,262) and system and method for managing patient medical records (5,772,585).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F
V.F

January 7, 2005

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600